

REMARKS

Upon entry of this Amendment, claims 1-7, 9-15, and 17 will remain pending and under examination.

In the final Office Action dated December 20, 2005,¹ the Examiner rejected claims 3, 6, 11, and 14 under 35 U.S.C. § 112, first paragraph; rejected claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, first paragraph; rejected claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-7, 9-15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,463,659 to Nealon et al. ("*Nealon*") in view of U.S. Patent No. 6,148,205 to Cotton ("*Cotton*"), and further in view of a document titled LIST OF NEW INSPECTION EQUIPMENT AND REVISED SPECIFICATIONS FOR APPROVED INSPECTION EQUIPMENT ("*Executive Council*").

Applicants thank the Examiner conducting an Interview with Applicants' representative on May 11, 2006. Applicants agree with the substance of the Interview Summary. Applicants respectfully traverse the Examiner's rejections for the following reasons.

I. Rejection of claims 3, 6, 11, and 14 under 35 U.S.C. § 112, first paragraph

Applicants respectfully traverse the Examiner's rejection of claims 3, 6, 11, and 14 under 35 U.S.C. § 112, first paragraph. The Examiner asserts that claims 3, 6, 11, and 14 fail "to comply with the enablement requirement," stating "claims [3 and 11]

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

disclose that the transmission output is **only** reduced in a particular one of said radio devices,” and “claims 1 and 9 have been amended to disclose that the coverage area of **both** portable devices is reduced” (emphasis in original, Office Action at p. 2). The Examiner asserts that “[t]hus claims 3 and 11 are logically inconsistent with amended claims 1 and 9” (Office Action at p. 2).

Applicants’ respectfully disagree with the Examiner’s rejection for at least the reasons stated in the Reply filed February 21, 2006. Nevertheless, in an effort to expedite prosecution, Applicants’ hereby amend dependent claims 3, 6, 11, and 14 into independent form, and delete the requirement of switching a coverage area of “two or more of said portable radio devices,” as previously recited by claim 1.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 3, 6, 11, and 15 under 35 U.S.C. § 112, first paragraph.

II. Rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, first paragraph

Applicants respectfully traverse the rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, first paragraph. The Examiner asserts that these claims fail “to comply with the written description requirement” because the “Examiner does not find the following limitation in the disclosure: ‘specifying other devices to be mutually authenticated when the two or more portable radio devices are within predetermined range of each other over said second coverage area’” (Office Action at p. 2).

Applicants’ respectfully disagree with the Examiner’s rejection for at least the reasons stated in the Reply filed February 21, 2006. Nevertheless, in an effort to expedite prosecution, Applicants’ hereby amend independent claims 1, 9, and 17 to remove the disputed claim element, rendering the rejection moot.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, first paragraph.

III. Rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, second paragraph

Applicants respectfully traverse the rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 112, second paragraph. The Examiner asserts: “[i]t is unclear whether the phrase ‘before authentication initiates’ refers to narrowing the coverage area or the mutual authentication” (Office Action at p. 3). To obviate the Examiner’s rejection, Applicants amend claims 1, 9, and 17 to clarify that “narrowing [of] the coverage area” is performed before mutual authentication. Support for this amendment may be found at, for example, page 14 of Applicants’ specification.

IV. Rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Nealon* in view of *Cotton*, and further in view of *Executive Council*

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-7, 9-15, and 17. A *prima facie* case of obviousness has not been established because, among other things, none of *Nealon*, *Cotton*, or *Executive Council*, taken alone or in combination, teaches or suggests each and every element of Applicants’ claims.

Amended claim 1, for example, recites an authenticating method including the step of “initiating mutual authentication by establishing communication between the two or more portable radio devices based only on the bringing of the two or more portable radio devices to within the proximity” (emphasis added).

Nealon does not teach or suggest such a method. In fact, *Nealon* teaches away from the claimed method by disclosing that a “user must press the # button on the handset” and that if the user fails to press the button, “the registration state will time out” (emphasis added, *Nealon*, col. 8:52-58). Further, *Nealon* discloses that after entering the registration, a user must press “the PHONE button on the handset unit to establish a communication link” to register the handset. *Nealon*, col. 9, lines 9-14. Requiring a user to press a first button, or registration will time out, and requiring a user to press another button to establish a communication link for registration, as taught by *Nealon*, does not constitute a teaching or suggestion of “initiating mutual authentication by establishing communication between the two or more portable radio devices based only on the bringing of the two or more portable radio devices to within the proximity,” as recited by claim 1 (emphasis added).

Both *Cotton* and *Executive Council* fail to cure the deficiencies of *Nealon*. Accordingly, because none of *Nealon*, *Cotton*, or *Executive Council* teaches or suggests each and every element recited by claim 1, no *prima facie* case of obviousness has been established for this claim. Applicants therefore respectfully request that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 103(a).

Independent claims 9 and 17, although of different scope, recite similar elements to independent claim 1. Claims 2-7 and 10-15 depend from independent claims 1 and 9 and therefore include all of the elements recited therein. Accordingly, for at least the reasons discussed above with respect to claim 1, no *prima facie* case of obviousness has been established with respect to claims 2-7, 9-15, and 17.

Further, independent claims 3 and 11, as amended, recite “wherein a transmission output of only a particular one of said portable radio devices is reduced to shorten a communication distance of said portable radio devices.” The Examiner asserts that *Nealon* teaches this element in column 8, lines 23-34 (Office Action at p. 5). However, the cited portion of *Nealon* discloses: “both the base unit and handset unit ... operat[e] at a low power level” (*Nealon*, col. 8, lines 31-32, see also *Nealon*, col. 7, lines 19-21). Reduction of the power level in both the base unit and the handset, as taught by *Nealon*, does not constitute a teaching or suggestion of reducing output “only in a particular one of said portable radio devices,” as recited by independent claims 3 and 11. *Cotton* and *Executive Council* fail to cure the deficiencies of *Nealon*, nor does the Examiner rely on *Cotton* or *Executive Council* for such teachings. Therefore, no *prima facie* case of obviousness has been established for independent claims 3 and 11.

Further, independent claims 6 and 14, as amended, recite “wherein the reception sensitivity of only a particular one of said portable radio devices is reduced to shorten a communication distance of said portable radio devices.” The Examiner asserts that *Nealon* teaches this element in column 8, lines 23-34 (Office Action at p. 6). However, the cited portion of *Nealon* does not teach or suggest reduction of a “reception sensitivity.” Rather, *Nealon* only teaches reduction of a “transmitted power level” (*Nealon*, col. 7, lines 19-21). Moreover, *Nealon* does not teach or suggest altering power in a only “a particular one of said portable radio devices,” as discussed above regarding claim 3. Reduction of the transmission power level in both the base unit and the handset, as taught by *Nealon*, does not constitute a teaching or suggestion of reducing the reception sensitivity “in a particular one of said portable radio devices,” as

recited by claims 6 and 14. *Cotton* and *Executive Council* fail to cure the deficiencies of *Nealon*, nor does the Examiner rely on *Cotton* or *Executive Council* for such teachings. Therefore, no *prima facie* case of obviousness has been established for claims 6 and 14.

Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Nealon*, in view of *Cotton*, and further in view of *Executive Summary*.

V. Conclusion


In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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